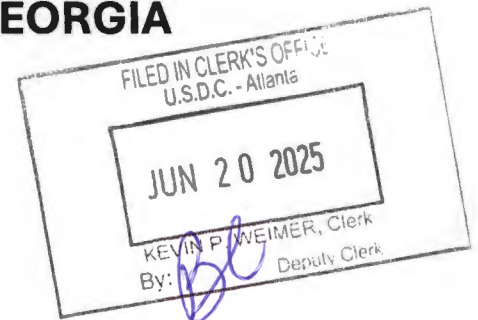


**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**



**JAMES BUSSEY**

Plaintiff,

**Civil Action No: 1:25-CV-2624-VMC**

**V.**

**DELTA COMMUNITY**

**CREDIT UNION,**

Defendant,

**PLAINTIFF'S MOTION TO DECLARE VEHICLE DEBT WAS  
VOID**

*{Violations of TILA Rescission, Due Process, and unlawful  
Repossession}*

**TO THE HONORABLE COURT:**

**COMES NOW**, James Bussey plaintiff, moves this Court to **declare the vehicle debt void** under **15 U.S.C. Subsection 1635 {f} {TRUTH IN LENDING ACT}** and **12 cfr 1026.23{b} {Regulation z}** due to the defendant's failing to fully disclose the so call contract and failure to honor rescission within **20 days of notice {06/05/2024}**.

**Plaintiff states:**

1. **Unlawful repossession without a court order {5<sup>th</sup>/14<sup>th</sup> Amendment Due Process violation}.**
2. **Repo company lack of state registration {constituting auto theft under GEORGIA law.**

**LEGAL ARGUMENT**

**1. Debt is VOID Under Rescission {15 U.S.C. SUBSECTION 1635 {F}}**

-Plaintiff exercised right to rescind the loan contract on 06/05/2024 due to:

-**Failure to provide clear TILA disclosures {15 U.S.C. Subsection 1635 {A}}**

-**Defendant ignored rescission notice {violating 12 cfr 1026.23 {b}}.**

- **TILA mandates automatic voiding of security interest if creditor fails to respond within 20 days without a court order.** Plaintiff sent a rescission on **06/05/2024** with no response from Delta Community Credit Union to date. **{see attachment A}**

- **Remedy:** Court must cancel debt {Belini v. Wash, Mut Bank, 412 F. 3d 17 {1<sup>st</sup> Cir, 2005}}

**2. Due Process Violation {5<sup>th</sup>/14<sup>th</sup> Amendment}**

-Defendant repossessed **plaintiff's vehicle without a court order**, violating:

-**Due Process Clause** {Fuentes v. Shevin, 407 U.S. 67 {1972}}  
**Creditors cannot seize property without a hearing.**

-**Admission by Defendant's attorneys** in defendant's last motion  
**DEFENDANT'S INITIAL DISCLOSURES** proves violation.

**3. Repo Company Lack Registration = Auto Theft**

-Plaintiff check **SECRETARY OF STATE** website and found  
no registration for **PAR NORTH AMERICA**.

-**CASE LAW** : Mbank El Paso v. Sanchez {836 S.W. 2D 151  
{TEX,1992}- **UNLICENSED REPO = CONVERSION {THEFT}**.

**PRAYERS FOR RELIEF**

1. Declare the vehicle debt **VOID** under TILA rescission

Respectfully Submitted,

James Bussey

455 Liberty Trace

Roswell Ga, 30076

404-993-3925

[Jamesbussey72@yahoo.com](mailto:Jamesbussey72@yahoo.com)

June 20th 2025

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this motion  
was served on Defendant's counsel thru certified mail on  
**MAY 20<sup>TH</sup> 2025**

James Bussey

~~James Bussey~~  
06/20<sup>th</sup> /2025

EXA

AFFIDAVIT IN WRITING

LOAN # 66643

JUNE 1 2024

DEAR CORPORATE LEGAL DEPARTMENT

I JAMES BUSSEY IS PUTTING IN WRITING MY RIGHTS TO RESCIND MY LOAN CONTRACT DUE FRAUD .. ACCORDING TO DELTA CU THEY FALSELY MADE CLAIMS THAT THEY FUNDED THE LOAN TO PURCHASE TRUCK ... I NOTICE THEY ALSO MADE FALSE STATEMENTS AS WELL ON MY WIFE'S {MARIANA BUSSEY} CONTRACT {LOAN # 0045} AS WELL .. NOW ACCORDING GA CODE ss 13-4-62 A PARTY MAY RESCIND A CONTRACT WITHOUT THE CONSENT OF THE OPPOSITE PARTY ON THE GROUNDS OF NON PERFORMANCE BY THAT PARTY BUT ONLY WHEN BOTH PARTIES CAN BE RESTORED TO THE CONDITION IN WHICH THEY WERE BEFORE THE CONTRACT WAS MADE .. NOW ACCORDING TO THE UNIFORM COMMERCIAL CODES AND THE TRUTH AND LENDING ACT DELTA CU HAS MADE FRAUDULENT STATEMENTS ABOUT PROVIDING ME {JAMES BUSSEY} A LOAN TO PURCHASE A TRUCK .. UNDER TITLE 12 USC 1431 BANKS CANNOT LEND MONEY THEIR JOB IS TO BORROW MONEY .. ALSO UNDER TITLE 18 USC ss 894 COLLECTION OF EXTENSION OF CREDIT BY EXTORTIONATE MEANS {A} WHOEVER

KNOWINGLY PARTICIPATES IN ANYWAY ,OR CONSPIRE  
TO DO SO IN THE USE OF ANY EXTORTIONATE MEANS

[1] TO COLLECT OR ATTEMPT TO COLLECT ANY  
EXTENSION OF CREDIT OR

{2} TO PUNISH ANY PERSON FOR THE NONREPAYMENT  
THEREOF SHALL BE FINED UNDER THIS TITLE OR  
IMPRISONED NOT MORE THAN 20 YEARS OR BOTH

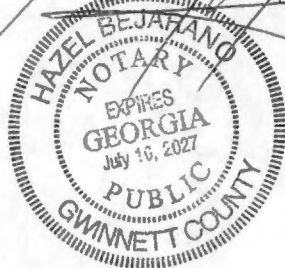
NOW WITH THAT BEING SAID A CONTRACT MUST HAVE  
THE SIGNATURES OF ALL PARTIES TO THE CONTRACT IF I  
{JAMES BUSSEY} AM THE ONLY TO SIGNATORY I GAVE  
DELTA CU A SECURITY AND NOT A CONTRACT . WHICH  
PROVES MY CASE OF FRAUD AND MY RIGHTS TO  
RESCIND .. DUE TO FACTS OF THE UCC ss 3-311 ACCORD  
AND SATISFACTION BY USE OF INSTRUMENT {A} IF A  
PERSON AGAINST WHOM A CLAIM IS ASSERTED PROVES  
THAT {I} THE PERSON IN GOOD FAITH TENDERED AN  
INSTRUMENT TO THE CLAIMANT AS FULL SATISFACTION  
OF THE CLAIM {I} THE AMOUNT OF THE CLAIM WAS  
UNLIQUIDATED OR SUBJECT TO A BONA FIDE DISPUTE  
AND {III} THE CLAIMANT OBTAINED PAYMENT OF THE  
INSTRUMENT,THE FOLLOWING SUBSECTIONS APPLY .  
WHICH MEANS THAT DELTA CU IS COMMITTING FRAUD IN  
THEIR SO CALLED LENDING PRACTICE AND IT'S BEING



EXPOSED .. SO PLEASE GOVERN YOURSELF  
ACCORDINGLY IN THIS MATTER TO AVOID LITIGATION ..

*James Bussey*

THANKS JAMES BUSSEY



*June 3<sup>rd</sup>, 2024*



**SENDER: COMPLETE THIS SECTION**

1. Article Addressed to:  
 Delta Comm Corp Legal Dept  
 3250 Riverwood Pkwy  
 Atlanta Ga 30339

2. Article Number (Transfer from service label)  
 9590 9402 7469 2055 5333 93

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X

B. Received by (Printed Name)  
 Diego

C. Date of Delivery  
 6/5/24

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type  
☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☐ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery  
☐ Insured Mail  
☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

1. Article Addressed to:  
 Delta Community Legal  
 3250 Riverwood Pkwy  
 Atlanta Ga 30339

2. Article Number (Transfer from service label)  
 9590 9402 8842 4005 0237 76

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X

B. Received by (Printed Name)  
 Diego

C. Date of Delivery  
 6/5/24

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type  
☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☐ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery  
☐ Insured Mail  
☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

1. Article Addressed to:  
 Delta Community  
 P.O. Box 20541  
 Atlanta Ga 30320

2. Article Number (Transfer from service label)  
 9589 0710 5270 1866 6295 86

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X Loughy

B. Received by (Printed Name)  
 Loughy

C. Date of Delivery  
 7-0-24

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type  
☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☐ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery

☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

Restricted Delivery

**SENDER: COMPLETE THIS SECTION**

1. Article Addressed to:  
 Delta Community Cy  
 P.O. 20541  
 Atlanta Ga 30320

2. Article Number (Transfer from service label)  
 9589 0710 5270 1300 4315 91

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X Loughy

B. Received by (Printed Name)  
 Loughy

C. Date of Delivery  
 7-30

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type  
☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☐ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery

☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

Restricted Delivery